



General Assembly

February Session, 2006

Bill No. 5029

LCO No. 676

00676_____

Referred to Committee on Judiciary

Introduced by:

REP. WARD, 86th Dist.

SEN. DELUCA, 32nd Dist.

AN ACT CONCERNING METHAMPHETAMINE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-240 of the general statutes is amended by
2 adding subdivision (59) as follows (*Effective July 1, 2006*):

3 (NEW) (59) "Methamphetamine-type substances" include
4 methamphetamine and structural analogs including
5 methylenedioxymethamphetamine (MDMA) and other substitutes,
6 phenylethylamine compounds, their salts, isomers and salts of
7 isomers, and chemical compounds which are similar thereto in
8 chemical structure or in physiological effect, and which show a like
9 potential for abuse, which are controlled substances under this
10 chapter, unless modified.

11 Sec. 2. Section 21a-243 of the general statutes is amended by adding
12 subsection (h) as follows (*Effective July 1, 2006*):

13 (NEW) (h) Notwithstanding the provisions of subsection (c) of this
14 section, the Commissioner of Consumer Protection shall, by regulation,
15 designate pseudoephedrine and ephedrine as controlled substances
16 and classify such substances in schedule V.

17 Sec. 3. Section 21a-277 of the general statutes is repealed and the
18 following is substituted in lieu thereof (*Effective July 1, 2006*):

19 (a) Any person who manufactures, distributes, sells, prescribes,
20 dispenses, compounds, transports with the intent to sell or dispense,
21 possesses with the intent to sell or dispense, offers, gives or
22 administers to another person any controlled substance which is a
23 hallucinogenic substance other than marijuana, [or] a narcotic
24 substance or a methamphetamine-type substance, except as authorized
25 in this chapter, for a first offense, shall be imprisoned not more than
26 fifteen years and may be fined not more than fifty thousand dollars or
27 be both fined and imprisoned; and for a second offense shall be
28 imprisoned not more than thirty years and may be fined not more than
29 one hundred thousand dollars, or be both fined and imprisoned; and
30 for each subsequent offense, shall be imprisoned not more than thirty
31 years and may be fined not more than two hundred fifty thousand
32 dollars, or be both fined and imprisoned.

33 (b) Any person who manufactures, distributes, sells, prescribes,
34 dispenses, compounds, transports with intent to sell or dispense,
35 possesses with intent to sell or dispense, offers, gives or administers to
36 another person any controlled substance, except a narcotic substance,
37 [or] a hallucinogenic substance other than marijuana or a
38 methamphetamine-type substance, except as authorized in this
39 chapter, may, for the first offense, be fined not more than twenty-five
40 thousand dollars or be imprisoned not more than seven years or be
41 both fined and imprisoned; and, for each subsequent offense, may be
42 fined not more than one hundred thousand dollars or be imprisoned
43 not more than fifteen years, or be both fined and imprisoned.

44 (c) No person shall knowingly possess drug paraphernalia in a drug

45 factory situation as defined by subdivision (20) of section 21a-240 for
 46 the unlawful mixing, compounding or otherwise preparing any
 47 controlled substance for purposes of violation of this chapter. Any
 48 person who violates the provisions of this subsection may, for the first
 49 offense, be fined not more than one thousand dollars or be imprisoned
 50 not more than two years, or be both fined and imprisoned, except that
 51 if such drug paraphernalia is for the unlawful mixing, compounding
 52 or otherwise preparing a methamphetamine-type substance, such
 53 person may be fined not more than five thousand dollars or be
 54 imprisoned not more than five years, or be both fined and imprisoned.
 55 Any person who violates the provisions of this subsection may, for a
 56 subsequent offense, be fined not more than ten thousand dollars or be
 57 imprisoned not more than ten years, or be both fined and imprisoned.

58 (d) As an alternative to the sentences specified in subsections (a)
 59 and (b) of this section, the court may sentence the person to the
 60 custody of the Commissioner of Correction for an indeterminate term
 61 not to exceed three years or the maximum term specified for the
 62 offense, whichever is the lesser, and, at any time within such
 63 indeterminate term and without regard to any other provision of law
 64 regarding minimum term of confinement, the Commissioner of
 65 Correction may release the convicted person so sentenced subject to
 66 such conditions as he may impose including, but not limited to,
 67 supervision by suitable authority. At any time during such
 68 indeterminate term, the Commissioner of Correction may revoke any
 69 such conditional release in his discretion for violation of the conditions
 70 imposed and return the convicted person to a correctional institution.

71 Sec. 4. Subsection (b) of section 21a-267 of the general statutes is
 72 repealed and the following is substituted in lieu thereof (*Effective July*
 73 *1, 2006*):

74 (b) No person shall deliver, possess with intent to deliver or
 75 manufacture with intent to deliver drug paraphernalia knowing, or
 76 under circumstances where one reasonably should know, that it will

77 be used to plant, propagate, cultivate, grow, harvest, manufacture,
78 compound, convert, produce, process, prepare, test, analyze, pack,
79 repack, store, contain or conceal, or to inject, ingest, inhale or otherwise
80 introduce into the human body, any controlled substance. Any person
81 who violates any provision of this subsection shall be guilty of a class
82 [A misdemeanor] D felony.

83 Sec. 5. Subsection (a) of section 21a-278 of the 2006 supplement to
84 the general statutes is repealed and the following is substituted in lieu
85 thereof (*Effective July 1, 2006*):

86 (a) Any person who manufactures, distributes, sells, prescribes,
87 dispenses, compounds, transports with the intent to sell or dispense,
88 possesses with the intent to sell or dispense, offers, gives or
89 administers to another person one or more preparations, compounds,
90 mixtures or substances containing an aggregate weight of one ounce or
91 more of heroin or methadone, [or] an aggregate weight of one-half
92 ounce or more of cocaine or one-half ounce or more of cocaine in a
93 free-base form or an aggregate weight of fifty grams or more of a
94 methamphetamine-type substance or five hundred grams or more of a
95 mixture or substance containing a detectable amount of
96 methamphetamine-type substance, or a substance containing five
97 milligrams or more of lysergic acid diethylamide, except as authorized
98 in this chapter, and who is not, at the time of such action, a drug-
99 dependent person, shall be imprisoned for a minimum term of not less
100 than five years nor more than twenty years; and, a maximum term of
101 life imprisonment. The execution of the mandatory minimum sentence
102 imposed by the provisions of this subsection shall not be suspended
103 except the court may suspend the execution of such mandatory
104 minimum sentence if at the time of the commission of the offense (1)
105 such person was under the age of eighteen years, or (2) such person's
106 mental capacity was significantly impaired but not so impaired as to
107 constitute a defense to prosecution.

108 Sec. 6. (NEW) (*Effective July 1, 2006*) (a) There is established an

109 account to be known as the "methamphetamine laboratory cleanup
110 account" which shall be a separate nonlapsing account within the
111 General Fund. The account may contain any moneys required by law
112 to be deposited in the account. Any balance remaining in the account
113 at the end of any fiscal year shall be carried forward in the account for
114 the next fiscal year. All moneys deposited in the account shall be used
115 for the purposes of this section.

116 (b) The court, when sentencing a defendant convicted of an offense
117 involving the manufacture of a methamphetamine-type substance, as
118 defined in section 21a-240 of the general statutes, as amended by this
119 act, shall order the defendant to reimburse the state for the costs
120 incurred for any cleanup associated with the manufacture of such
121 methamphetamine-type substance by the defendant.

122 (c) All moneys reimbursed to the state pursuant to subsection (b) of
123 this section shall be deposited in the methamphetamine laboratory
124 cleanup account established in subsection (a) of this section. The
125 Commissioner of Environmental Protection shall have the authority to
126 authorize expenditures from said account to reimburse any state or
127 municipal agency for costs associated with cleaning to proper
128 environmental standards any site where a methamphetamine-type
129 substance was manufactured.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2006</i>	21a-240
Sec. 2	<i>July 1, 2006</i>	21a-243
Sec. 3	<i>July 1, 2006</i>	21a-277
Sec. 4	<i>July 1, 2006</i>	21a-267(b)
Sec. 5	<i>July 1, 2006</i>	21a-278(a)
Sec. 6	<i>July 1, 2006</i>	New section

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Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]